

**From:** Troy Arnold  
**To:** Microsoft ATR  
**Date:** 1/24/02 11:48pm  
**Subject:** Microsoft Settlement

Time is running out to comment on this case, so I'll be quick rather than eloquent. In short, though, the proposed settlement: Does not punish Microsoft enough for their innovation-stifling practices; does not guarantee in strong enough language that competitors will be allowed to compete on an even a somewhat level field; does not spell out in serious and clear terms penalties for further Microsoft violations.

It is important that the spirit of any judgement be enforced with teeth. Microsoft has in the past shown the willingness and ability to use their tremendous resources to find and exploit any available loophole.

In particular, I'm concerned that section III:E, the licensing of network protocols, be enforced in a way realistic and useful to competitors. I use Linux, my girlfriend uses Windows. The Samba Project allows us to share files and collaborate in our work. It's been my experience that Samba file servers can run on cheaper hardware and with more reliability than, say Windows NT or 2000. If the network protocols are sufficiently obfuscated by Microsoft, then businesses and individuals will be *\*forced\** to use a MS operating system to interoperate with other Windows users. On a related note, MS uses the spectre of software patents to steer developers away from the creation of competing products. After all, what's the use of writing something useful if a core protocol can later be patented? Force Microsoft to come clean with their patent intentions (no more indefinite threats) so that developers can get back to work.

I'm currently shopping for a new notebook computer. It is difficult to find a quality, brand name machine without Microsoft windows preinstalled, often with a slew of Windows applications. As a Linux user, I do not wish to pay for a bevy of software for which I have no use.

III. A. 2. of the Proposed Final Judgment is a step in the right direction, but should be amended to read: (see "c")

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or "(c) includes a non-Microsoft Operating System but no Windows Operating System Product;"

Finally, in judge in 1996 Caldera v. Microsoft found that "Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft."

In my opinion, DR-DOS was superior in several ways to MS-DOS yet was not

allowed to compete. Years of such violations, and toothless penalties allow Microsoft to continue to laugh at fair practice and gouge the personal user and business alike. They have some terrific software, but so do many others and it \*must be\* allowed to flourish.

Thank you for your effort and time on this case.

-troy